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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA  
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9 MARCUS R. WILLIAMS,

CASE NO. 1:05-cv-00124-AWI-SMS PC

10 Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION  
FOR THE APPOINTMENT OF COUNSEL

11 v.

(Doc. 75)

12 DERRAL G. ADAMS, et al.,

13 Defendants.  
14 \_\_\_\_\_/

15 Plaintiff Marcus R. Williams is a state prisoner proceeding pro se and in forma pauperis in  
16 this civil rights action pursuant to 42 U.S.C. § 1983. On November 24, 2008, Plaintiff filed a motion  
17 seeking the appointment of counsel. Plaintiff does not have a constitutional right to appointed  
18 counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the Court cannot  
19 require an attorney to represent Plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United  
20 States District Court for the Southern District of Iowa, 490 U.S. 296, 298, 109 S.Ct. 1814, 1816  
21 (1989). However, in certain exceptional circumstances the Court may request the voluntary  
22 assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

23 Without a reasonable method of securing and compensating counsel, the Court will seek  
24 volunteer counsel only in the most serious and exceptional cases. In determining whether  
25 “exceptional circumstances exist, the district court must evaluate both the likelihood of success of  
26 the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the complexity  
27 of the legal issues involved.” Id. (internal quotation marks and citations omitted).

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1 In the present case, the Court does not find the required exceptional circumstances. Even if  
2 it is assumed that Plaintiff is not well versed in the law and that he has made serious allegations  
3 which, if proved, would entitle him to relief, his case is not exceptional. The Court is faced with  
4 similar cases almost daily. Further, at this stage in the proceedings, the Court cannot make a  
5 determination that Plaintiff is likely to succeed on the merits, and based on a review of the record  
6 in this case, the Court does not find that Plaintiff cannot adequately articulate his claims. Id.

7 For the foregoing reasons, Plaintiff's motion for the appointment of counsel is HEREBY  
8 DENIED, without prejudice.

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10 IT IS SO ORDERED.

11 **Dated: May 4, 2009**

**/s/ Sandra M. Snyder**  
**UNITED STATES MAGISTRATE JUDGE**